HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 14346 of 2007

Dated 9th July 2007

Between:

Mavulkar Devajee,
Sirpur village and Mandal,
Adilabad District.

.....Petitioner.

and

The Sub-Collector,
Asifabad Office at Asifabad Mandal,
Adilabad District and others.

.....Respondents.

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 14346 of 2007

ORDER:

The petitioner was appointed as the Fair Price Shop Dealer of Shop No.1, Sirpur village vide Proceedings No.C/443/2007 of the 1st respondent dated 30.4.2007. Pursuant thereto, the petitioner has submitted all the relevant documents together with the authorization fee, trade deposit, etc., and requested to issue the authorization. However, the 1st respondent by notice dated 19.5.2007, called upon the petitioner to show cause as to why his appointment as Fair Price Shop Dealer should not be cancelled on the ground that his wife is a Ward Member of the Gram Panchayat and that he is also participating in politics.

Aggrieved by the same, the petitioner filed W.P.No.11308 of 2007. The said Writ Petition was dismissed by this Court by order dated 5.6.2007 holding that the Writ Petition was premature since no final order as such was passed.

Thereafter, the 1st respondent having considered the explanation submitted by the petitioner passed impugned order dated 18.6.2007, holding that the petitioner is not eligible for appointment as Fair Price Shop Dealer and, therefore, the authorization would not be issued. Accordingly, the trade deposit and the other documents submitted by the petitioner were returned. The said order is under

challenge in this Writ Petition contending *inter alia* that the fact that the petitioner's wife is a member of Gram Panchayat is not a disqualification for being appointed as Fair Price Shop Dealer.

I have heard the learned counsel for both the parties.

Under G.O.Ms.No.53, dated 6.10.2003, whereunder guidelines have been issued for selection and appointment of Fair Price Shop Dealers under the A.P. State Public Distribution System (Control) Order 2001, there is a specific bar as under:-

> *"All individuals holding any Public Office like Sarpanch of Gram Panchayat, President of, Mandal Praja Paarishad, Chairman of ZPP, Presidents of Co-operative Societies, Councilors or Chairman of Municipality/Members of ZP Territorial Constituency (ZPTC) etc., or their family members irrespective of the reservation shall not be eligible."*

A perusal of the above clause shows that not only the person, who is holding any public office, but even the person whose family members are holding any public office is not eligible for selection and appointment as a Fair Price Shop Dealer.

Since the fact that the petitioner's wife is a member of the Gram Panchayat is not in dispute, the impugned order dated 18.6.2007 thereby returning the proposals for appointment of the petitioner as Fair Price Shop Dealer cannot be held to be either arbitrary or illegal.

Accordingly, the Writ Petition is dismissed. No costs.

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(G.ROHINI, J)

Dated: 9th July 2007
Note:- Issue CC in Two days.
mrb